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STACY POTTS, JUN. *Editor.*

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The Patrons of the Gleaner,

Will have observed, that the last three numbers have not been issued regularly, or within the time prescribed by our proposals.—This has been owing to a disappointment in the receipt of paper, and other circumstances incidental to every undertaking of the kind; but which we shall endeavour hereafter to provide against in such manner as not to interrupt the progress of the work, which we are determined to pursue with spirit. Arrangements are making, after the present volume is completed, to procure new type, and embellish our numbers, occasionally, with elegant copper-plate engravings. The encouragement we have received, though not sufficient to warrant these improvements immediately, is such as induces us to believe the establishment will be a permanent one: and we have strong hopes, that we shall be able to give the Gleaner a form and substance, which will make it a desirable, useful, and pleasing acquisition to the library of men of taste.

Persons of genius and leisure are once more requested to favour us with communications. Accounts of new inventions and improvements in the arts and sciences, of discoveries in agriculture, manufactures, &c. will be thankfully received. We are in earnest in the endeavour to promote useful knowledge, and surely that endeavour deserves support.

*** *Those who are in arrears for the Gleaner, are requested to make payment to the printer.*

Letters directed to the Gleaner must be post-paid.

Error—in page 360, *line* 3 *of the quotation, for* "hope" *read* "shape."

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BIOGRAPHICAL SKETCH OF Mr. CURRAN.

OF all the opinions which have obtained a general currency, without being either founded in truth or sanctioned by experience, there are none, perhaps, which have been so widely circulated as those by which we are taught to believe, that the study of law is adverse to the operation of genius, and that a lively imagination cannot be fettered to personal pursuits; that to be learned, a man must be dull, and that wit cannot be possessed but to the exclusion of industry.

Among the many examples which might be adduced from antiquity, or exhibited in modern times, to prove the futility of this dangerous conceit, Mr. Curran is not the least striking.—No man has acquired higher reputation for those powers which delight and captivate the fancy, touch the springs of passion, elicit tears from the softness of sensibility, or extort from gravity itself the roar of laughter; yet has the assidious industry and laborious exertions of this gentleman raised him from the humblest walk of life, in which his birth had placed him, to the first rank, if not the first place, at the Irish bar. He has not, indeed, attained high official situations,* or risen to those honors which are oftener the reward of judicious politics, than of professional ability; but he has acquired that which is a stronger proof both of industry and of talent—the uncontested title of being the first advocate in his country.

Mr. Curran is about fifty years of age. He was born in the county of Cork, of parents who were undistinguished by wealth or situation; who had neither a fortune by which they could have enabled the son to live independently, nor connections by which they could advance him to a profession. They were, however, capable of giving him the rudiments of a liberal education, and that seems to be the only advantage which he derived from his family. Having qualified himself for the university, he entered in the only character in which his circumstances enabled him to appear, that of a *sizer* in the college of Dublin; a situation of which the emoluments are trivial, while the marks of inferiority which distinguish it from that of the other students, are of the most mortifying kind. The sizers have, indeed, their tuition

* *This sketch was written in* 1798.

free of expense; but they are obliged to keep the rolls of their tutors, and attend to the weekly distribution of the fines and punishments of the pupils. The have also their commons *gratis*, but they dine only on the fragments of the fellows' table, and are compellable to discharge, in the dining-hall, several menial services.

In this situation did Mr. Curran pass his first year at the university: nor did he appear, in point of pecuniary circumstances, to stand at the head even of this humble class. It is a fact, that the man who possessed powers that could move the heart, charm the imagination, and guide the judgement of a senate or of a court, was often destitute of a whole coat!

At the usual time (two years after entrance) he obtained a scholarship; by which, and by the emoluments arising from some petty offices generally bestowed on scholars, he emerged from the distress in which he had been hitherto involved. The remainder of his college career is not marked by any peculiar circumstances; he obtained the usual honours with which the policy of the university rewards industry and talents, and is said to have made some progress in reading the laborious course which is prescribed for fellowship candidates; but whether disgusted with the drudgery, or deterred by the magnitude of the undertaking, he soon desisted from the pursuit, and turned his attention to the bar.

Previously to his becoming a student in the Inns of the court of London, Mr. Curran married a lady of his own country.—This match appears to have been founded in inclination, for she did not bring him a fortune sufficient to compensate the inconveniences into which such a permanent connection must have thrown him. Of the means by which he was enabled to support himself and wife, during his studies in England, and afterwards to defray the expense of his call to the bar, nothing certain is known; it is natural to suppose, however, that with talents like his, it would not be difficult to procure a livelihood by his literary exertions. But whatever might have been the mode by which his finances were supplied, it is certain that when he came to the bar, he was in extreme poverty. He resided in Cavan-street, Dublin, a place occupied entirely by the lowest class of people, and which, in point of *gentility*, is on a level with the least reputable part of Westminster.

Mrs. Curran had now brought him a child; and being unable to indulge in the practice so common in Ireland, of sending their children to be nursed abroad, she was obliged to undergo the labour of discharging at once the duties of nurse, housewife, and cook. About this time he became a frequenter of a convivial society, originally formed by some young barristers, and called the *Monks of the Screw*. Although the members of this institution were poor they were merry; the object of their meetings

was to forget, in good fellowship, the cares of life, and relax the mind from the intenseness of legal studies. The devotion of the Monks, however, was promoted by humbler beverage than the juice of the grape, and their temple was nothing more than an upper room in a Cavan-street ale-house. Poor as such a society must have been, the circumstances of Mr. Curran were so much more humble, that they were forwarded by his connection even with it. As the club affected to be *select*, it became necessary at length that they should have an apartment to themselves; they therefore engaged one at a certain rent, and Mr. Curran was complimented with the use of it, for the residence of himself and his family, except only during those evenings on which the members assembled. He must have been poor, indeed, who lodged in such a mansion!

Mr. Curran was not the only man of talents, who at that time belonged to this society, and whom a subsequent display of genius, and of learning, raised to eminence. The present Chief Baron of the Irish Exchequer, Lord Yelverton, the early intimate and friend of Curran, was one of its original members.—Though more fortunate than him in his political, as well as forensic pursuits, the connection first formed and cemented between them in the poverty of their early years (for Lord Yelverton, like Curran, had to struggle with the difficulties of a narrow fortune,) has continued through every vicisitude of succeeding life, not only unbroken but in full strength.

That learning and talents are often enabled to raise themselves into notice, without the fortunate co-operation of extrinsic circumstances, is an observation which has been often exemplified in every profession; but, perhaps, more frequently in that of the law, than any other. Our young barrister, with qualities which are as likely to strike at first sight, as those possessed by any of his contemporaries, remained, however, for some time at the bar entirely unnoticed. The attention of the public was turned toward him, for the first time, in rather a singular way.

He had been engaged as agent by one of the candidates at a contested election, and in course of the poll, it became necessary for him to make objections to a vote proffered by the adverse party, which he did in that strong and sarcastic manner for which he is so remarkable. His antagonist, a man of rude and overbearing manners, *felt* the pungency of his wit, and not immediately recognising the barrister under a shabby coat, and a mean appearance, (for nature has not been very favourable in external decorations,) he applied to him some very gross epithets. With more spirit, perhaps, than decorum, Mr. Curran leaped from his seat, seized him by the collar, and was prevented only by the interposition of the by-standers from chastising him on the spot. He, however, was not precluded from asserting his

independence in that way, which could alone be tolerated in the presence of a magistrate, he therefore, in a few pithy sentences, disclosed his *mind* and his *character;* his antagonist had generosity enough to acknowledge his error, and apologized to Mr. Curran for the consequences of his mistake; nay, instead of resenting the violence with which he had repelled the insult, he granted him his friendship, and by his recommendation and patronage very essentially promoted his future interests.

From that period he began to rise rapidly. Within less than six months he quitted his gratuitous lodgings in Cavan-street, and removed nearer to the more reputable part of the town.—Mrs. Curran no longer dishonoured her lord's circumstances, by appearing in the discharge of those domestic offices which are usually performed by deputy; nay, in less than a year, the rising prosperity of the family was visible in the luxury of a one-horse chair! Merit was now finding its proper level, and, in this instance at least, we no longer behold great learning and uncommon genius struggling with adversity, or sullied in the estimation of vulgar minds, by an undeserved poverty.

Within two or three years more, we find Mr. Curran seated in the House of Commons, and seconding, with much sportive humour, every effort of the popular party for the emancipation of the country, and the establishment of its commercial freedom and political independence.

During the arduous and interesting period in which Mr. Fitzgibbon filled the office of attorney-general, he was one of the leading men in opposition, and of course came into frequent collision with that dogmatical and haughty lawyer. The high tone of defiance on legal or constitutional questions with which the attorney-general endeavoured to overbear his opponents, was more frequently ridiculed by the wit, than combated by the arguments of Mr. Curran; if, in this mode of combat, he did not always repel the blow, he at least evaded its force, and though he could not on every occasion boast of victory, he at least escaped defeat. On one of these contests, the issue was more serious; it produced a duel, in which Mr. Curran was the challenger, but which happily was attended with no injury to either party.

While Mr. Curran was thus successfully attentive to business, he did not suffer opportunities of pleasure to pass by him unenjoyed. He was naturally, indeed, a man of uncommon gaiety; possessing an exquisite ear for music, and being himself no ordinary performer on the *forte piano*, it was not strange that the Circe-like allurements of Mrs. Billington should have enchanted him for a time.

Although Mr. Curran has been usually considered a man of gallantry, he enjoys an uninterrupted claim to the character of a good father. He has one son, who is now (1798) about to be

called to the bar, and two daughters; to the education of these he has paid the most affectionate attenion.

It has been already observed, that, in his parliamentary character, he has always been attached to the popular cause. Indeed, from his outset in life, he has been a *steady* friend to legislative independence, to free commerce, and a reform in the representation of Ireland. He has uniformly declared against the war with France, and he has combated, with unremitted vigour, during five years, the coercive system which has been pursued in Ireland. Finding the inefficacy of that opposition, he has withdrawn, along with many of those with whom he had co-operated, from the House of Commons, and is now known to the public only as an advocate. In this capacity he has lately defended many of his unfortunate countrymen; and is said to be about to retire for a time, and perhaps for ever from his native country.

As a lawyer Mr. Curran has not particularly distinguished himself, by the extent of his knowledge or the depth of his researches: he stands, in this respect only, on an equality with his competitors; it is as an advocate that he outstrips them.—Indeed, in this character, he has not, perhaps, his equal in the empire. With Mr. Erskine he has frequently been compared; but in the opinion of some who have long admired, and attentively considered the respective excellencies of each, the latter holds only a second place.

Mr. Erskine is an acute, grave, laborious, and frequently an eloquent pleader; he turns the bright side of his client's case to full view, urges its strong parts with the force of a masculine understanding, and covers its weakness with very ingenious sophistry; but the jury still remember that Mr. Erskine is an advocate, and are on their guard against his arts.

Mr. Curran while he displays as much acuteness as Mr. Erskine, gets nearer to the heart and passions of his auditors; and by the ardour and animation of an eloquence neither fictitious nor forced, excludes every feeling and every thought but those which he wishes to excite. In the examination of witnesses, too, Mr. Curran is eminently powerful. In this manner he resembles Mr. Garrow, but perhaps excels even that gentleman in probing a rotten cause to the bottom, in eliciting truth from prevarication, and touching the secret strings that actuate the human heart.

Mr. Curran's parliamentary speeches seldom possess the excellence which has marked his professional defences. They display much less of the *mens divinior*; they are irregular, and desultory, and seem to be rather the play of his mind than its serious exertion. They, however, abound with admirable strokes of invective, and irony, and though they assist but little in guiding decision, on the point discussed, yet produce a good effect, by holding up political profligacy and corruption to contempt and detestation.

Of classical learning Mr. Curran seems to have early laid in a good store; his allusions to the Roman poets are frequent, and his quotations from them are prompt, and happy. It is a curious circumstance, that to study the Latin-classics, and commit to memory remarkable passages formed a part of Mr. Curran's preparation for the bar; and that he continues, from his experience of its utility, to recommend his practice to the student of the municipal law.

On the score of person, Mr. Curran owes but little to nature. His stature is low, his figure meagre and ill-formed, and his whole appearance far from being prepossessing. He has, however, an eye which emits the fire of genius, and is admirably calculated to transmit either the scintillations of fancy, or that deep pathos of the heart, which he not only feels himself, but can so powerfully excite in others. Of dress he has always been remarkably, perhaps culpably, negligent; for he has often played *Cicero* in the senate, in the garb of a *Scrub!*

ANECDOTE OF CICERO.

IT has often been denied, that Cicero possessed that faculty, with which few are favoured in these *punning days*, the art of joking with elegance. The grounds, however, on which this opinion is formed, are by no means the strongest. The adaptation of *Roman wit* to a *modern ear* is most assuredly an arduous undertaking, since no species of composition can be so much confused by translation, as that, which depends altogether on some word or phrase the exact parallel of which either does not exist in any other language, or which, if it does, the translator is generally too lazy to discover. Cesar was very partial to these levities of the celebrated orator. Many were collected by his friends; the best collection, however, was made by his freedman.

The following is in the first rank, among the few that have come down to the present day. In a cause where Cicero was employed, he had occasion to summon Popilius Cotta, professor of civil law, but a very ignorant man; he declared he knew nothing of the fact in question, and became quite uneasy at his situation; Cicero, who noticed this, exclaimed, "Cotta, do not be distressed, I shall not question you concerning jurisprudence."

Sharp, but sharper still.

A *Yorkshire* man! and ostler still?
Ere this you might have been,
Had you employ'd your native skill,
Landlord, and kept the inn.
Ah! Sir, quoth *John*, here 'twill ne'er do:
For dang it! Meyster's *Yorkshire* too.

The fatal effects of false apologies and pretences:

(Concluded from page 298.)

THE captain discharged the coach; but being piqued at the behaviour of his wife, and feeling that flow of spirits which usually returns with the morning, even to those who have not slept in the night, he had no desire to go home, and therefore resolved to enjoy the fine morning in the Park alone.

Lady Forrest, not doubting but that the captain would immediately return home, congratulated herself upon her deliverance; but at the same time to indulge her desire of a walk, followed him into the Park.

The captain had reached the top of the Mall, and turning back, met her before she had advanced two hundred yards beyond the palace. The moment she perceived him, the remembrance of her message, the motives that produced it, the detection of its falsehood, and discovery of its design, her disappointment and consciousness of that very situation which she had so much reason to avoid, all concurred to cover her with confusion which it was impossible to hide; pride and good breeding were, however, still predominant over truth and prudence; she was still zealous to remove from the captain's mind, any suspicion of a design to shun him, and therefore, with an effort perhaps equal to that of a hero who smiles upon the rack, she affected an air of gaiety, said she was glad to see him, and as an excuse for her message and her conduct, prattled something about the fickleness of woman's mind, and concluded with observing, that she changed her's too often ever to be mad. By this conduct a retreat was rendered impossible, and they walked together 'till between eight and nine: but the clouds having insensibly gathered, and a sudden shower falling just as they reached Spring-gardens, they went out instead of going back: and the captain having put the lady into a chair, took his leave.

It happened that Sir James, contrary to his first purpose, had returned from his journey, at night. He learnt from the servants, that his lady was gone to Captain Freeman's, and was secretly displeased that she had made this visit when he was absent; an incident, which, however trifling in itself, was by the magic of jealousy swelled into importance: yet upon recollection he reproved himself for this displeasure, since the presence of the Captain's lady would sufficiently secure the honour of his own. While he was struggling with these suspicions, they increased both in num-

ber and strength in proportion as the night wore away. At one he went to bed; but he passed the night in agonies of terror and resentment, doubting whether the absence of his lady was the effect of accident or design, listening to every noise, and bewildering himself in a multitude of extravagant suppositions. He rose again at break of day; and after several hours of suspense and irresolution, whether to wait the issue, or go out for intelligence, the restlessness of curiosity prevailed, and about eight he set out for Captain Freeman's; but left word with his servants, that he was gone to a neighbouring coffee-house.

Mrs. Freeman, whose affected indifference and dissimulation of a design to go immediately to bed, contributed to prevent the Captain's return, had during his absence suffered inexpressible disquiet; she had, indeed, neither intention to go to bed, nor inclination to sleep; she walked backward and forward in her chamber, distracted with jealousy and suspense, till she was informed that Sir James was below, and desired to see her. When she came down, he discovered that she had been in tears; his fear was now more alarmed than his jealousy, and he concluded that some fatal accident had befallen his wife; but he soon learnt that she and the Captain had gone from thence at five in the morning, and that he was not yet returned. Mrs. Freeman, by Sir James's enquiry, knew that his lady had not been at home: her suspicions, therefore, were confirmed; and in her jealousy, which to prevent a duel she laboured to conceal, Sir James found new cause for his own. He determined, however, to wait with as much decency as possible, till the Captain came in; and perhaps two persons were never more embarrassed by the presence of each other. While breakfast was getting ready, Dr. Tattle came to pay Mrs. Freeman a morning visit; and to the unspeakable grief both of the lady and her guest, was immediately admitted. Doctor Tattle is one of those male gossips who in the common opinion are the most diverting company in the world. The Doctor saw that Mrs. Freeman was low-spirited, and made several efforts to divert her, but without success: at last he declared with an air of ironical importance, that he could tell her such news as would make her look grave for something; "The Captain," says he, "has just huddled a lady into a chair, at the door of a bagnio near Spring-Gardens." He soon perceived, that this speech was received with emotions very different from those he intended to produce; and, therefore, added, "that she need not, however, be jealous; for notwithstanding the manner in which he had related the incident the lady was certainly a woman of character, as he instantly discovered by her mien and appearance:" This particular confirmed the suspicion it was intended to remove; and the Doctor finding that he was not so good company as usual, took his leave, but was met at the door by the Captain, who brought him back. His presence, however insignificant, imposed some restraint upon the

rest of the company; and Sir James, with as good an appearance of jocularity as he could assume, asked the Captain, "What he had done with his wife." The Captain, with some irresolution, re-
" plied that he had left her early in the morning at her father's;
" and that having made a point of waiting on her home, she sent
" word down that her cousin Meadows was indisposed, and had
" engaged her to breakfast." The Captain, who knew nothing of the anecdote that had been communicated by the Doctor, judged by appearances that it was prudent thus indirectly to lie, by concealing the truth both from Sir James and his wife: he supposed, indeed, that Sir James would immediately enquire after his wife at her father's, and learn that she did not stay there to breakfast; but as it would not follow that they had been together he left her to account for her absence as she thought fit, taking for granted that what he had concealed she also would conceal, for the same reasons; or, if she did not, as he had affirmed nothing contrary to truth, he might pretend to have concealed it in jest. Sir James, as soon as he had received this intelligence, took his leave with some appearance of satisfaction, and was followed by the Doctor.

As soon as Mrs. Freeman and the Captain were alone, she questioned him with great earnestness about the lady whom he had been seen to put into a chair. When he had heard that this incident had been related in the presence of Sir James, he was greatly alarmed lest lady Forrest should increase his suspicions, by attempting to conceal that which, by a series of enquiry to which he was now stimulated, he would probably discover: he condemned this conduct in himself, and, as the most effectual means at once to quiet the mind of his wife and obtain her assistance he told her all that had happened, and his apprehension of the consequences: he also urged her to go directly to Miss Meadows, by whom his account would be confirmed, and of whom she might learn farther intelligence of Sir James; and to find some way to acquaint lady Forrest with her danger, and admonish her to conceal nothing.

Mrs. Freeman was convinced of the captain's sincerity, not only by the advice which he urged her to give to lady Forrest, but by the consistency of the story and the manner in which he was affected. Her jealousy was changed into pity for her friend, and apprehension for her husband. She hasted to Miss Meadows, and learnt that Sir James had enquired of the servant for his lady, and was told that she had been there early with Captain Freeman, but went away soon after him: she related to Miss Meadows all that had happened, and thinking it at least possible that Sir James might not go directly home, she wrote the following letter to his lady:

"My dear lady Forrest,

"I AM in the utmost distress for you. Sir James has sus-
"picions which truth only can remove, and of which my indis-
"cretion is the cause. If I had not concealed my desire of the
"Captain's return, your design to disengage yourself from him,
"which I learn from Miss Meadows, would have been effected.
"Sir James breakfasted with me in the Haymarket; and has since
"called at your father's, from whence I write: he knows that
"your stay here was short, and has reason to believe the Captain
"put you into a chair some hours afterwards at Spring-Gardens.
"I hope, therefore, my dear lady, that this will reach your
"hands time enough to prevent your concealing any thing. It
"would have been better if Sir James had known nothing, for
"then you would not have been suspected; but now he must know
"all, or you cannot be justified. Forgive the freedom with
"which I write, and believe me most affectionately

"Yours,

"MARIA FREEMAN.

"P. S. I have ordered the bearer to say he came from Mrs,
"Fashion the miliner."

This letter was given to a chairman, and he was ordered to say he brought it from the miliner's; because, if it should be known to come from Mrs. Freeman, and should fall by accident into Sir James's hands, his curiosity might prompt him to read it, and his jealousy to question the lady, without communicating the contents.

SIR James being convinced, that his lady and the captain had passed the morning at a bagnio, by the answer which he received at her father's, went directly home. His lady was just arrived before him, and had not recovered from the confusion and dread which had seized her when she heard that Sir James came to town the night before, and at the same instant anticipated the consequences of her own indiscretion. She was told he was then at the coffee-house, and in a few minutes was thrown into an universal tremor upon hearing him knock at the door. He perceived her distress, not with compassion but rage, because he believed it to proceed from the consciousness of guilt: he turned pale, and his lips quivered; but he so far restrained his passion as to ask without invective, "Where and how she had passed the night." She replied, "At Captain Freeman's; that the Captain
"was upon guard, that she sat up with his lady until he came in,
"and that then, insisting to see her home, she would suffer the
"coach to go no further than her father's, where he left her early

"in the morning:" she had not fortitude to relate the sequel, but stopped with some appearance of irresolution and terror.—Sir James then asked, "If she came directly from her father's home." This question, and the manner in which it was asked, increased her confusion: to appear to have stopped short in her narrative, she thought would be an implication of guilt, as it would betray a desire of concealment: but the past could not be recalled, and she was impelled by equivocation to falsehood, from which, however, she would have been kept back by fear, if Sir James had not deceived her into a belief that he had been no further than the neighbourhood. After these tumultuous reflections which passed in a moment, she ventured to affirm, that "she staid with Miss Meadows until eight, and then came home:" but she uttered this falsehood with such marks of guilt and shame, which she had indeed no otherwise than by this falsehood incurred or deserved, that Sir James no more doubted her infidelity than her existence. As her story was the same with that of the Captain's, and as one had concealed the truth and the other denied it, he concluded there was a confederacy between them; and determining first to bring the Captain to account, he turned from her abruptly, and immediately left the house.

At the door he met the chairman who had been dispatched by Mrs. Freeman to his lady; and fiercely interrogating him what was his business, the man produced the letter, and saying, as he had been ordered, that he brought it from Mrs. Fashion, Sir James snatched it from him, and muttering some expressions of contempt and resentment, thrust it into his pocket.

It happened that Sir James did not find the Captain at home: he therefore left a billet, in which he requested to see him at a neighbouring tavern, and added that he had put on his sword.

In the meantime, his lady, dreading a discovery of the falsehood which she had asserted, dispatched a billet to Captain Freeman; in which she conjured him as a man of honour, for particular reasons not to own to Sir James, or any other person, that he had seen her after he had left her at her father's: she also wrote to her cousin Meadows, entreating, that if she was questioned by Sir James, he might be told that she staid with her until eight o'clock, an hour at which only herself and the servants were up.

The billet to Miss Meadows came soon after the chairman had returned with an account of what happened to the letter; and Mrs. Freeman was just gone in great haste to relate the accident to the Captain, as it was of importance that he should know it before his next interview with Sir James: but the Captain had been at home before her, and had received both Sir James' billet and that of his lady. He went immediately to the tavern, and, enquiring for Sir James Forrest, was shewn into a back-room up one pair of stairs: Sir James received his salutation without re-

ply, and instantly bolted the door. His jealousy was complicated with that indignation and contempt, which a sense of injury from a person of inferior rank never fails to produce; he therefore, demanded of the Captain in a haughty tone, "Whether he "had not that morning been in company with his wife, after he "had left her at her father's?" The Captain who was incensed at Sir James's manner, and deemed himself engaged in honour to keep the lady's secret, answered, that "after what he had "said in the morning, no man had a right to suppose he had "seen the lady afterwards; that to insinuate the contrary, was "obliquely to charge him with a falsehood, that he was bound to "answer no such questions, until they were properly explained; "and that as a gentleman he was prepared to vindicate his hon-"our." Sir James justly deemed this reply an equivocation and an insult; and being no longer able to restrain his rage, he cursed the Captain as a liar and a scoundrel, and at the same time striking him a violent blow with his fist, drew his sword and put himself in a posture of defence. Whatever design the Captain might have had to bring his friend to temper, and reconcile him to his wife, when he first entered the room, he was now equally enraged, and indeed had suffered equal indignity; he therefore, drew at the same instant, and after a few desperate passes on both sides, he received a wound in his breast, and reeling backward a few paces, fell down.

The noise had brought many people to the door of the room, and it was forced open just as the Captain received his wound: Sir James was secured, and a messenger was dispatched for a surgeon. In the meantime, the Captain perceived himself to be dying; and whatever might before have been his opinion of right and wrong, and honour and shame, he now thought all dissimulation criminal, and that his murderer had a right to that truth which he thought it meritorious to deny him when he was his friend: he, therefore, earnestly desired to speak a few words to him in private. This request was immediately granted; the persons who rushed in withdrew, contenting themselves to keep guard at the door; and the Captain beckoning Sir James to kneel down by him, told him, that "however his lady might have "been surprized or betrayed by pride or fear into dissimulation "or falsehood, she was innocent of the crime which he supposed "her solicitous to conceal:" he then briefly related all the events as they had happened; and at last grasping his hand, urged him to escape from the window, that he might be a friend to his widow and to his child, if its birth should not be prevented by the death of its father. Sir James yielded to the force of this motive, and escaped as the Captain had directed. In his way to Dover, he read the letter which he had taken from the chairman, and the next post inclosed it in the following to his lady:

" My dear Charlotte,

" I Am the most wretched of all men; but I do not upbraid " you as the cause: would to God that I were not more guilty " than you! We are the martyrs of dissimulation. By dissim- " ulation dear Captain Freeman was induced to waste those hours " with you, which he would otherwise have enjoyed with the " poor unhappy dissembler his wife. Trusting in the success of " dissimulation, you were tempted to enter into the Park, where " you met him whom you wished to shun. By detecting dissim- " ulation in the Captain, my supicions were encreased; and by " dissimulation and falsehood you confirmed them. But your " dissimulation and falsehood were the effects of mine: yours " were ineffectual, mine succeeded: for I left word that I was " gone no further than the coffee-house, that you might not sus- " pect I had learned too much to be deceived. By the success " of a lie put into the mouth of a chairman, I was prevented " from reading a letter which at last would have undeceived me; " and by persisting in dissimulation, the Captain has made his " friend a fugitive, and his wife a widow. Thus does insincerity " terminate in misery and confusion, whether in its immediate " purpose it succeeds or is disappointed. O my dear Charlotte! " if ever we meet again——to meet again in peace is impossible " ——but if ever we meet again, let us resolve to be sincere:— " to be sincere is to be wise, innocent and safe. We venture to " commit faults which shame or fear would prevent, if we did " not hope to conceal them by a lie. But in the labyrinth of " falsehood, men meet those evils which they seek to avoid; and " as in the strait path of truth alone they can see before them, " in the strait path of truth alone they can pursue felicity with " success. Adieu! I am dreadful!——I can subscribe nothing " that does not approach and torment me.——Adieu!"

Within a few weeks after the receipt of this letter, the unhappy lady heard that her husband was cast away in his passage to France.

.....

Remarks on Mr. Southey's Poem, entitled Madoc.

(Continued from page 320.)

THE first of the poem is rather desultory. It consists of too many disconnected descriptions, which the poet is obliged to leave unfinished at the moment they are beginning to excite our interest.—The object was not an historical delineation of the times, but an account of Madoc, and his companions of the waves.—We have no need therefore, of a minute account of Wales or any

of its inhabitants or customs not immediately connected with the voyage. And the error is seen in the interest we feel for characters, of whose condition the poet, consistently with the plan of his work, could not inform us. DAVID himself, whose ungoverned passions had placed him on an insecure throne, is the object of some interest; and the lovely EMMA is painted in colors so beautiful that the story appears but half finished without informing us of their fate. But what shall we say of the bold, the generous, the magnanimous LLEWELYN? He, who appears in the story like some angel in a dream just to fascinate us with his virtues and disappear forever. We cannot but notice it as a very prominent fault, that these unformed, unfinished beings should be unnecessarily introduced. In the books containing these characters are some pretty descriptions and good poetry, but the characters themselves are perfectly irrelevant to the main purpose of the poem, and are not even justifiable in the rank of episodes.

To these objections Mr. Southey may think himself not obligated to reply by reason of the title which he has chosen to assume. A poetical story may perhaps claim greater liberties than the degraded epic, and we confess we know not how far these liberties extend, as the present is the first being of the race and a kind of anomaly in literature; but judging by Mr. Southey's own standard, we think them unjustifiable, not because they are not formed on the rules of Aristotle, "but because such unfinished pictures are not adapted to purposes of poetry."

The time at which the poem opens, gives the writer an opportunity, after the manner of Virgil, to make the hero repeat what is supposed previously to have happened, and represents him like Æneas at the Tyrian court, refitting against his meditated voyage. Madoc, son of the deceased King, and brother of the reigning monarch of Wales, had left his native country with a few selected companions, in quest of a world beyond the sea: he had landed as is supposed, on the southern or western part of the present American continent, several hundred years before the expedition of Columbus; there he had planted a colony, and returned home for a reinforcement of adventurers. The story commences when his returning bark was just within view of her port:

> Fair blows the wind,—the vessel drives along,
> Her streamers fluttering at their length, her sails
> All full,—she drives along, and round her prow
> Scatters the ocean spray.....

The feelings of the mariners at the long wished for return are naturally described, but they are such as are regularly witnessed at the ending of every long voyage. Urien, the foster father of Madoc, meets him on the beach at his landing, and conducts him to the palace of his brother. On their way he gives a concise but

melancholy picture of the civil commotions of their country.—URIEN then informs the sister of Madoc that he had now confidence of soon seeing her brother, and prepares her for his return. Her answer is natural and affecting; it contains a simile almost spontaneous in a female bosom.

> —Ill-judging kindness! said the maid,
> Have I not nurst for two long wretched years,
> That miserable hope, that every day
> Grew weaker, like a baby sick to death,
> Yet dearer for its weakness, day by day!

Why *day by day* is added, unless to make out the ten syllables, is not easy to determine; this is a liberty our author frequently assumes.— After meeting his sister, Madoc goes in company with her, and Urien to the apartment of the King, who was celebrating his recent marriage with a Saxon princess, the hereditary enemy of his country. In the description of the reception and entertainment of Madoc, Mr. Southey has faithfully adhered to the custom of those ancient times. The two brothers now join discourse on the affairs of the Kingdom, which leads Madoc rather impolitely to express his bold hatred of the Saxon, and love for his brother Hoel, whom the King David had overthrown in fight in order to secure the throne. The anger of David is well illustrated, and very happily contrasted with the influence and gentle attraction of his amiable bride. Madoc too, who met "*Emma's reproaching glance*," thus gallantly and *ingeniously* answers:

> ———I pray you pardon me,
> My sister queen! nay, you will learn to love
> This high affection for the race of Owen,
> Yourself the daughter of his royal house,
> By better ties than blood.——

The conversation then turns on the "world beyond the ocean," and Madoc promises on the morrow to gratify their curiosity. This number concludes with the song of the Bard whose Hymn, "Thee father, thee eternal ONE," is in rather abstruse and metaphysical terms for such a rude age. This finishes the two first books.

In the third, Madoc recounts the inducements of his adventurous expedition, and introduces an affecting story of Cynetha. The exact reason for which, or its connection with the poem, we cannot readily perceive. It is among the desultory liberties of the story. There are in this number some fine pencil lines of description. Take the following:

Bright with dilated glory shone the west,
But brighter lay the ocean-flood below;
The burnished silver sea, that heaved and flashed
Its restless rays, intolerably bright.

The fourth Book is a description of the voyage, and is merely the first voyage of Columbus done into verse; there is nothing new unless it be the conjectures of where they were, or how the ocean ended; for the ingenuity of which, being all borrowed, the poet is entitled to very little praise. We find however the occasional marks of a good poet, in correct discription. The following is a forcible line.

————Almost it seemed
That we had past the mortal bounds of space,
And speed was toiling in infinity.

And the abrupt, yet natural reflections of the speaker, on the remembered terrors of the storm, is easy, natural and amusing.

'Tis pleasant, by the cheerful hearth, to hear
Of tempests, and the dangers of the deep,
And pause at times, and feel that we are safe;
Then listen to the perilous tale again,
And, with an eager and suspended soul,
Woo terror to delight us;—but to hear
The roaring of the raging elements,
To know all human skill, all human strength,
Avail not; to look round and only see,
The mountain wave incumbent, with its weight
Of bursting waters o'er the reeling bark,...
O God, this is indeed a dreadful thing!
And he who hath endured the horror, once,
Of such an hour, doth never hear the storm
Howl round his home, but he remembers it,
And thinks upon the suffering mariner!

The description of the storm is admirable. It is a fine coincidence of sense and sound:

High rolled the mighty billows, and the blast
Swept from their sheeted sides the show'ry foam.

Madoc's feeling at the song of triumph are well illustrated. The idea however

————On his sun-burnt brow
Sate exultation, &c.

is borrowed, but the license is amply compensated by the nature and force of the concluding lines.

FOR THE GLEANER.

—

"*I will go to the sound of my woods, to the roar of my mountain-streams, and think on the days of other years.*"

OSSIAN.

'TWAS on the first of the month of May—in this delightful season of the year, when nature blooms in the flowry grandeur of opening spring; when a thousand new awakened delights flurry in the bosom, and fancy assumes an ardent and confineless enthusiasm——'twas then, as

"*Jocund dawn stood tip-toe on the misty mountain's top.*"

I rambled to a spot on the banks of C———, where, in the blameles simplicity of infant gaity, I sported away the most joyful moments of my life. When remembrance is awakened by a review of the scenes which witnessed the delights and frolic gambols of our infant sports, with what glowing vividness rises in the fancy each shade of past circumstance; and with what fond *ardency* throbs the bosom at the melancholy, though pleasing, retrospect.

The human heart, not fond to linger over the dark ideas of felt misfortunes, is ever ready to turn the past of life, however chequered with ills and joys its scene might have been, into a pleasing *amalgam* of remembrance—into a scene where shades of woe and rays of bliss unite to form one delightful prospect.

As I loitered over the green banks, upon which many years since I sported through my infant pleasures, each fond joy and circumstance of my youth rushed glowingly on my mind. I retraced with pleased ardency those delightful days, when the fancy could not create one dream, one wish of future enjoyment, but what the heart would readily promise itself to realize; and when the stream of joy was yet unsullied by the cares and interests of the world.

O! you, who have proven the various scenes of life; you, whom necessity or inclination urged to wander from your natal scenes, at youth's early period; say—if you returned to them again,—if, when their recollection had been nearly obliterated, you saw them again, why did your bosoms beat with the dearest throbs of delight? Why did your hearts rush so warmly to the rocks, the trees, and the streams of your infant scene, and swell with the fondest enthusiasm at each recognition? Is it because, that there you formed the first connections of the heart? Is it that there you fancied and indulged those golden visions of futurity of which youth so ardently dreams? Or is it because every scene around you renewed the blissful dreams of times past and transported you back to the elysian days of your youth?

Whatever be the secret cause which renders the objects of our *natale solum* so dear to the soul, whatever be the source of that sympathy which twines so fondly around the heart, the fields, vales, and hills that echoed the noiseful sports of our infancy, it is an attachment pleasingly experienced by every bosom; and though ranging from clime to clime, like the wandering Arab, the heart still beats with throbs of fond recollection when memory recalls the forsaken scenes of our early days.

When I again saw the place where I lisped my first accents, where my young heart danced with simple rapture; the pleasing recognition of every thing around me awakened the dream of the past, and carried my fancy over the epitomized scene of my past existence.

"———*the trees, the fields, the streams,*
Like friends long severed, seized upon my heart;
And joys almost forgotten re-assumed a ~~*hope.*~~" shape

I saw the rock upon which I was wont to sit, while angling in the passing stream. I saw the rising green, upon which I often sported with my little comrades; and the tall trees beneath whose waving branches I used to press the moss in careless tranquility. The heart infuses into the inanimate objects of its attachment, a kind of conscious life, a sort of listening soul, which creates a pleasing communion of sentiment, in which the heart becomes an inmate of its surrounding objects, and answers unconsciously the suggestions of its own feelings. Here, said I, have I passed some of the dearest and most joyful hours of my existence,—here, ere I had yet tried the bustling scenes of the world, have I loitered in gay innocency, reckless of the wayward incidents of life's variegated scene. And here, often, have I raised those airy fantasies, those golden dreams of future enjoyment, which I, vainly, deemed as real pictures of my coming days.

O scenes of my nativity! you are still lovely, still the same as when I first knew you! But where, alas! are the once dear companions, the lisping playmates, with whom I used to ramble through your bowers! Separated by interest, fortune, or necessity; they are scattered over the world engaged in the busy activeness of bustling life. Every one, with respect to the little circle of his early playmates, must experience a kind of Babaloniac bewildering separation. They grow up, and mixing with mankind, their hearts acquire uncongenial languages, while each takes that path through the various windings of life's scene, which appears to him the nearest road to his own darling object.

For the Gleaner.

THE MODERATOR, No. 5.

" *It is no easy task to convince a person of his errors, or, if con-*
" *vinced, persuade him to abandon them, when passion, or pre-*
" *judice, or inclination, or habit, or apparent interest, are*
" *concerned against us.*"

FIC——.

THAT my efforts hitherto have not been very obviously successful, and that notwithstanding all my zeal mankind will still continue their vices and their follies, is not greatly astonishing. If the courteous reader will look back to my first number, he will perceive that I anticipated much embarrassment in the pursuit of this undertaking. I have not been disappointed. 'Tis true, I cannot that my counsels have been despised, because—they have not been attended to.

Heretofore variety has been said to be the delight of man, but the readers at least, of the present generation are an instance to the contrary. Nothing but the hackneyed subject of politics is pleasing now-a-days. What news from Europe? or how have the elections in this or some neighbouring state terminated?—Are questions we hear continually and excite great interest.—The effusions of the angry partizan, professedly on public concerns, but in reality containing nothing but personal invective, are sought after with avidity, whilst the productions of men of taste and science are passed by with less concern than the advertisement of a bankruptcy, or an invitation to hear a charity-sermon. The astronomer, instead of observations on the heavenly bodies, is employed to detect the intrigues of his opposing neighbour; and the votary of the muses has degenerated into a writer of lampoons. Every man is a consummate politician; and every difference of sentiment is a difference of principle: reason and authority to the contrary notwithstanding. What will such things lead to?

If we look into the history of the church some two or three centuries back, we are shocked at the profusion of blood which has been shed in an attempt to coerce the human mind, to sanction and establish opinions now almost universally admitted to have been erroneous. Are we wiser than our forefathers? O! yes, the *present* generation surpasses all that preceded it in wisdom and virtue; and the nation in which a man happens to be born, or choose his residence, is always the most enlightened upon earth. That it is so in my case I do not pretend to deny. See the different sectaries of christianity, how harmoniously they pass each other on the way to their respective places of worship; nay, even the Jew and the Gentile, the unbeliever and the ortho-

dox, are alike protected and alike eligible to governmental favors.

The liberal creed of the generous American is,

"*For forms of faith let* foreign *zealots fight;*
"*His can't be wrong whose life is in the right.*"

But Monday comes, where is now all our toleration and forbearance? Do you vote to-morrow for this or that candidate—your motives are corrupt—you are a traitor to your country—you are under foreign influence, and would wilfully destroy the last, the only assylum on earth of tyrant-hating liberty. Your stake in the country may be great—your wife, your children, your property, are evidenced as a pledge for your patriotism, and that you can have no interest separate from the generality of your fellow-citizens; yet you are suspected. Are you wise or wealthy? You have some sinister views which you are not ready to avow. Are you ignorant or poor? You are improperly led by some purse-proud hypocrite, or basely deceived by some intriguing knave.

Whence arises all this rancor and jealosy? From the pride of opinion and the thirst for power. Why may we not in practice conform to the theory of our constitution, and in political as well as in religious concerns, believe each other to be honestly guided by his best judgement? Is the object of the latter less worthy of our care and solicitude than that of the former? Or, are the tragic scenes of slaughter and confusion which remain an everlasting stigma upon the monkish ages, to be re-acted for the no less plausible pretext of political perfectability? God forbid. You smile at my fears; but hot-brained bigotry is equally to be dreaded, whether the cause be the conquest of the holy-land, or the exaltation of a demagogue.

Sauntering up King-street the other day, I heard an altercation between two citizens. Mere matter of opinion relative to the affairs of Buonaparte, the Spaniards and the English was originally the ground of discussion. The disputants, however, did not adhere very strictly to logical rules, and very soon wandered, as I thought, from the question. The controversy was warmly maintained on either side; and if there was not a great deal of sound argument there was certainly a sufficiency of vulgar abuse.

"*So high at length the contest rose*
"*From words they almost came to blows.*"

But I did not wait to here the conclusion of the dispute; for each having satisfied himself and his friends, that the object of the other and his political partizans, at a recent election, was the destruction of our country and its dearest rights; I passed onwards,

As the real character of individuals is often discovered from trifling circumstances, so that of nations may be judged of by incidents like this. Or, as Franklin observes, "straws shew how the wind blows." When such wranglings become frequent and general among the citizens, there is often some defects in the laws, or their administration; and frequently more danger to the government than we are aware of. Wicked and designing men are never wanting to fan the spark of discord into the flame of destruction.

The evil I have been complaining of is more despicable too as power and not principle is the object of our divisions. The wish of nineteen twentieths of us is certainly the same—the glory of our country and the perpetuation of its republican institutions. But alas! how often do we bring down evils upon ourselves by the very means we take to avert them. It is not the Buonaparte of France, or the ministerial party of England—or all the parties of Europe we have so much reason to dread, as the wrath-creating parties of our own country. Fellow-citizens, be wise in time. The golden maxim of our fathers is not less appropriate now than it was in the days of the revolution; "United we stand—but divided we fall."

For the Gleaner.

ORIGIN OF MASTERS.

HOW has one man, been able to become the master of another man? and by what species of incomprehensible magick has he been able to become the master of many other men? There have been many large volumes written on this subject, but I give the preference to an Indian fable, because it is short; and fables have more weight, point, and direct application to a variety of objects, than any other mode of writing.

Adimo, the father of all the Indians, had two sons, and two daughters, by his wife, *Proerite*. The eldest son was a vigorous giant; the youngest was small, and hump-backed; the two girls were lively and handsome. As soon as the giant discovered his force, he slept with his two sisters: and made a *Valet-de-chambre* and servant of his brother. One of his sisters was his cook, and the other tended his garden. When the giant would sleep, he began by tying his little hump-backed brother to a tree, and when the latter ran away, the giant caught him in a few strides, —placed him between his legs, and gave him twenty strokes on *les fesses* with a *nerf-de-bœuf*.

The hump-backed brother, after a few corrections, became the most submissive and best servant in the world. The giant satisfied to see him fulfil the duties of a good subject, permitted him to sleep with one of his sisters, with whom he was disgusted.—

The children that were born in consequence of this marriage, were not altogether hump-backed, but they had a make sufficiently whimsical. They were raised in fear of God, and the giant; they received an excellent education; and were taught that their uncle was a giant by divine right, and could do with his family what he pleased: that if he had a niece, or grand-niece, she belonged to him without difficulty; and to no other without his permission.

The giant being dead, his son who was not near so strong and large as himself, believed nevertheless, that he was a giant as his father by divine right. He undertook to make all labour for him. But the family at length leagued against him, and knocked him down, broke his scull, and empaled the skin of his head. They then formed themselves into a republic.

The *Siamois*, on the the contrary, pretend that the family had commenced by being republican, and that the giant did not come until after a great number of years, and civil dissentions: But all the *Banares* and *Siamois* authors agree, that men had lived an infinity of ages before they had sufficient genius to make laws:—and they prove it by an argument that does not admit of reply, which is, that at this day, when every person piques himself upon his genius, and information, they do not find the means to make one twentieth of the laws tolerably good, or clear of ambiguity.

It is yet a question, not solved in India, whether republics were established before monarchies; or if confusion had appeared more horrible than despotism. I am ignorant of which has happened in the order of time; but in that of nature it must be agreed, that men are all born equal; violence and talents, must therefore have made the *first*, and the laws the *second* masters.

MICROMEGAS.

ANECDOTE.

THE celebrated Malherbe, dined one day with the archbishop of Rouen, who was famous for being a tedious dull preacher. Dinner was scarcely over before Malherbe fell asleep; but was awaked by the prelate, and invited to go and hear him preach. "I beseech your grace," said Malherbe, "to excuse me; I can sleep exceedingly well where I am."

Poetry.

For the Gleaner.

The LASSES of Lancaster town.

LET city bucks boast of the charms of their fair,
Who Parrot-like prattle the streets up and down;
From Kingston to Southwark they've none to compare,
To the sweet lovely lasses of Lancaster town.

Let country-lads vaunt of their rosy-cheek'd belles,
Too modest to laugh—too obliging to frown;
But shew me the maid in the country that dwells,
Can vie with the lasses of Lancaster town.

In city, or village, or country around,
Go ransack them all, and I'll bet you a crown,
Whatever your fancy, no girls will be found,
To equal the lasses of Lancaster town.

I've travers'd the states from the east to the west,
From the lakes to the sea-board and up hill and down;
But of all pretty damsels, the one I love best
Is a sweet little lassee of Lancaster town.

WILLIAM.

For the Gleaner.

SEE yonder brightest star above,
Amidst those dimmer night-orbs hung;
So shine the beauties of my love,
All earthly beauties plac'd among.

Taste this exquisite fruit—ye gods,
What can impart more sensual bliss?
I'll tell thee what, my friend, by odds,
My wife's entrancing, loving kiss.

Feel here how fine, how smooth, how soft,
The texture of this lovely blossom;
More raptured are my feelings oft,
Reclining on my charmer's bosom.

Smell this delicious shrub, and tell
If aught more sweetly fragrant be—
There's naught on earth more sweet to smell,
Except, my charmer's breath to me.

Hark! what a furious noise I hear—
The town 's on fire—alass !—alack !
Nay, hold my friend, forego thy fear,
'Tis but my partner's cursed clack.

R.

For the Gleaner.

A SONG FOR THE NEW-YEAR.

ONCE more the infant year
Salutes my joyful eyes;
Once more, in heav'nly strains, I hear
A message from the skies.

Thy offers, Lord, how great!
Thy mercies still are new;
Thy gracious promises how sweet—
How manifold and true.

Smote by thy smarting rod,
My languid frame decays;
Yet on those promises, my God,
My cheerful hopes I 'll raise.

Arrest my fleeting breath—
Restore my faded bloom;
Unloose the massy chains of death
And disappoint the tomb.

Then may my heart and tongue
Conspire to spread thy praise;
And one harmonious grateful song
Employ my future days.

But if thy righteous will
Decree their number small;
O teach me that divinest skill
To wisely spend them all.

And when my hasty days
Do reach their destined goal;
Then may thy kind supporting grace
Sustain my fleeting soul.

May beck'ning angels stand
Around her as she flies;
And wing'd by thy divine command,
Conduct her to the skies.

For the Gleaner.

The cloud spangled east, in effulgence bright glow'd
And morning's fresh tears, dew'd the fields and the vale;
While notes, sweetly warbling on zephyrs soft flow'd
And echo'd enchantment along the green dale—

I rose from my couch and I hail'd the bright dawn,
Far, far o'er the fields and the woodlands to roam,
'Till wand'ring I came to a dessolate lawn
Where a hermit's low cot stands all desert and lone.—

As the cot I approach'd, on the stream-skirting rocks
The hermit sat pensive, beneath the aged trees,
While morn's blushing beams, ting'd with gold his hoar locks
That wav'd o'er his temples amid the soft breeze.

I heard his voice tremble, along on the wind—
For he spoke to the rocks, and the trees undismay'd;
And thus pouring forth the sad thoughts of his mind,
He wept now a tear, or a smile now betrayed:—

"The wide rolling sun through yon blue vaulting span,
"Full twenty long courses his centre has turn'd,
"Since first flying far from the gay haunts of man
"Here lonely his crimes and his follies I mourn'd:—

"In the morn of my days, Ah, how dear were those dreams
"That promised gay joys in the round of fleet time;
"And hopes cheering sun! O how mild were thy beams
"As you flung your illusions soft o'er my life's prime!

"I fancied this life but a scene of delight,
"By woe's dark'ning clouds, and by cares unobscur'd,
"I fanci'd!—Ah! yes 'twas a vision too bright
"And enchanted, deluded, the dream I pursu'd.

"'Twas a false dream indeed! for it melted in air
"When I came to the goal that had promis'd the prize—
" It vanish'd, alas! while the black clouds of care
" Thick, dark'ning before my chill'd fancy did rise.

" Ah youth's blissful hopes! how illusive, how sweet!
" How dear your enchantments; yet ah, you betray'd,
" Through life's early maze you led, flattering, my feet,
" Then vanish'd at manhood and darkling I strayed,

" Time was, when my heart of man's wiles never dream'd,
" When I knew not, that crimes could be varnish'd by art;
" But fondly each word, and each smile, vainly deem'd
" As the pledge of dear friendship, the speech of the heart.

" But alas, now I know, in this crime spotted time,
" Few boast, such a gem, so enchantingly bright,
" As friendship's fair pearl, that from heaven sublime,
" Illumines the soul with the best, purest light.

" For often beneath, the heart's smooth sembling smile
" That would for the sunshine of friendship depart,
" There harpies deep prowl that with hell's darkest guile
" But seek to destroy the unconscious heart.

" Yet alas! what care I now for friendship's warm glow,
" Where, where is that hand that I now would press warm;
" For, far from man's gay haunts I sorrowing go,
" Estrang'd from his smiles from his scorn, and his harm.

" O stream! that slow moves, through these dew sprinkled plains;
" Ye moss-cover'd rocks! and ye high waving trees!
" To you! ye are friends! still my soul breaths sad strains;
" Or wails them aloud, to the by-passing breeze.

" And oft as the morning sun looks through the east,
" From my cot here I hie me, to view these blest scenes
" Where the soul through the eye in sweet transport can feast
" On nature, that glows in the morn's golden beams.

EVANDER.

For the Gleaner.

To M * * **

Could I command the muse with heav'nly fire,
Sing the fond feelings of my throbing soul—
Could I, like Burns, attune the breathing lyre,
And trance the heart in rapture's sweet control—

O! I would pour love's torrent from my heart
Full on thy mind, in fancy's frenzy dress'd;
And seek with fond and generous truth to part
A kindred throbing to thy noble breast.

Warm I would breath thy charms in living lay
Paint the blest features of thy soul and mind,
Thy form's fine grace! whose heav'n attractive sway
My yielding soul in love's embrace confin'd.

And I would tell, how, oft in nightly dreams
On fancy's canvass thee I, fond, portray,
How, oft, beneath the moon's pale trembling beams,
In rapt communion, o'er some lawn we stray—

And I would tell thee, wealth's gay glittering shews
And all the gaudy baubles pomp *can* claim,
All the bright pageants that proud honor knows
Are to thy smiles, dull, vapid, stale and vain—

Yet ah! why ask the muse's burning spell
To speak the tumults of a swelling soul!
Why ask for words, my passions force to tell
For O! I look, I sigh, I blush the whole.

E

For the Gleaner.

SPRING

THE goddess comes! and in her snow-white hand
Waves the bright ensign of her flow'ry wand;
Loose in the breeze, and gem'd with morning's dew,
Floats, round her limbs the festoon's crimson hue;
Her dimpling cheeks enriched with rosy glow
Round the rapt world a genial lusture throw.
Her fairy limbs with ivory whiteness shine,
Through the thin lawn, and shew their form divine;
Ambrosial odours, round her temples move
And hovering cupids breathe the air of love;
Broad on the gaze of mortals' raptured eye
Heaves her soft bosom with a quivering sigh;
And sparkling bright, her eyes, with heav'nly beam
Throw sweet suffusion, o'er each silvan scene—
—She comes! and smiling, with her fairy hand
Touches each embryo seed, and breaks the wintry band;
From natures bosom doffs the wintry veil
And spreads her flowrets on the fanning gale—
Each nursling plant, with fostering care protects
And through the winding veins the sap directs—
Swift on the gale, o'er hill and valley roves
Smiles on the hills or warbles in the groves;
Or babling in the stream the goddess laves
With ivory whiteness sparkling through the waves.

* * * * * * * * * * * * * * * * * * * *

EVANDER.

THE CORNWALLIAD.

CANTO II.

NOW far advancing in the rear of day,
Came sober evening with her mantle grey,
When evil luck, a wicked goddess, brought
From Princeton green a hasty-footed scout,

Who told the story of the woes, that day
Which on his corps, and routed comrades lay:
How Washington had bayonetted the band,
Which under Mawhood made a gallant stand.
And having left Cornwallis far behind,
To drink the fragrance of the western wind,
In whirlwind rage to Brunswick heights came on
To storm the barracks and consume the town.
The blood reverting to its farthest source,
From every visage took its rapid course;
The change was great of that day's front and rear,
From joy to grief, from highest hope to fear.
Ah! said a Scot, who could philosophize,
(And as he spoke he rubbed his liquid eyes)
Such are the ebbs, and such the flows of life,
Where joy and grief maintain a dubious strife;
This hour we scheme, and build a house in air,
The next we fall, and taste of black despair;
Like him that gazes on the running moon,
And strikes his foot upon a path-way stone;
Or him that sly through midnight silence goes,
And on a post obtrudes his wandering nose.
I see our fate--we all must go to pot,
For every Briton will this night be shot;
The raging rebels will delight to slay,
And devil a one of us will spare--not they.
The Lord forbid, exclaimed another Scot,
And keep their mercy from so foul a thought,
But pray how near do these fell troops approach,
Fell troops to English, and fell troops to Scotch.
To whom the fugitive recovering breath,
But still his visage marked with fear of death,
Before the morn illumes the Raritan,
On Brunswick heights you shall behold their van,
Brigades of men, and many an opening file
To beat the ground, and tread the wat'ry soil.
And so it was, for now Cornwallis far,
From Delaware banks brought up the rear of war,
Had Princeton passed, and that unhappy field
Which, late, his forces were obliged to yield.
O'er Kingston bridge, and rocky-hill above,
The scarlet files in weary marches move.
At length embrowned in that dark distant wood,
Which crowns the height of Brunswick town he stood.
Who knows, said he, but Washington is here?
At Rocky-hill we saw indeed his rear,
But though it bended to the north-way side,
As ranger-scouts, and jager-men have spyed;

Yet it may be, that in some by-way tract,
He is before us, and has done the fact,
Possessed our stores, and cut our regiments off,
Which if 'tis so, I would not give a snuff
For all our lives, and the best hopes we have
Before next evening to escape the grave.
To whom a Scotsman: Sir, 'tis hard to tell
What sly auld witch, or demon broke from hell,
Gives them such artifice to blind our eyes,
And slide away without a word of noise;
This day they prick our van, the next our rear,
Now on this flank, and now on that appear;
Their rifle balls, like elf-shot, from the hill
Fly unperceived, and whom they hit they kill.
Thus, as you say, it is a likely case,
That they before us have ransacked the place;
Now have they had at least two hours of start,
Which, with the advantage of black Satan's art
Might here have brought them, like a crack of gun
Before the gloom of midnight shades came on.
Yes, said the chief, that thought is good, but yet
Can it consist with stable rules of fate
To fire a gun, or give a mortal wound,
Without report or the least breath of sound.
Now we have marched this heavy afternoon,
And yet have heard no sound of distant gun;
Which could not be, if Washington had made
Attack on Brunswick with his cannonade,
Perhaps, say you, our troops without a shot
Gave up their arms, and better quarters got.
Aye, said the Scot, that thought is very *gude*,
For soldier-swains are but of flesh and *blude*,
And will succumb, and sometimes skulk a while,
Although their mettle is from Britain's isle;
But this conception rising in my brain,
May be the truer, and of happier vein;
Besides it saves the supposition made
Of scoundrel cowardice in this brigade.
For, Sir, in brief---the dubious thought has long
Dwelt in suspicion on my silent tongue,
That with these rebels in our late rebuf
Has been assistance that we knew not off;
I trow that Satan doth conduct them on,
Although they, witless, style him Washington.
Now what if he from dark infernal shades,
Where elves and witches have set up their trades,
Has brought that powder, noiseless in the sound,
Which gives the soldier an unnoticed wound,

With such as this he may have stormed the town,
And shot our men, like sheep and oxen, down,
Though no report has been this evening heard,
Nor rising smoke upon the heights appeared.
To whom the chief---Your apprehension, Sir,
May be well-founded, but to me 'tis queer.
Perhaps 'tis new, replied the Ross-shire Scot,
But be it so, yet it doth matter not;
For now a scheme comes luckily in my pate,
To search the question, and unfold its state.
What if disguised in character of scout,
We go ourselves by some way round about,
And the first sentry which we shall approach,
Address in language of the broadest Scotch?
If he is ours, he will perceive our voice,
And give a gentle answer without noise;
But if to Washington he doth belong,
He talks not Scots, and so will hold his tongue.
To whom the chief---The stratagem is good,
And may be tried without expense of blood.
So sallying forth they took their darksome way,
But more securely than swift scouts by day.
Mean time in Brunswick lasted long debate,
And many a reason of great thought and weight
Was urged to prove their best resistance vain,
Against ten thousand rebels on the plain;
When now a veteran from the Galway mole,
With strength of heart, and noble fire of soul,
Took out his box, demurely op'd the lid,
And in his cheek put a tobacco quid.
With look serene the hero had comprest,
The rising sorrows of his troubled breast:
A while he ruminates the quid, and now
Puts up his hand, and smooths his troubled brow;
My friends, said he, it is a weighty case
For any one of Adam's sinful race,
To give you counsel what had best be done,
Before the army of the foe comes on.
But what, mean time, if one should issue out,
To search the confines by the way of scout,
To give us warning when our foes appear,
With long brigades in heavy front and rear?
The thought is good, another Scotsman said,
And am surprized it came not in my head;
Here is bold Sawney, and there's Hec Macniel,
Will sally out and climb the neighbouring hill:
They both are wary, and both swift of foot,
Long-winded both, and not untaught to scout.

Touch'd with the praise, the two attentive swains,
Bow'd their consent, and took the neighbouring plains.
  Now had they gain'd the centre of a grove,
Where aged oak-trees their tall branches wove,
Where like two shadows of the dusky night,
That play and vary on the bounded sight,
They met Cornwallis and his comrade Scot,
Their own brave chieftains, though they knew them not;
The Caledonian well conceals his fear,
And cries out boldly, *Wha the de'el cums here?*
  Struck with susprise, and in a palsied fright,
The wary swains give up themselves to flight,
And in the tremor of the ice-cold blood,
Take different paths through the surrounding wood;
By many a brake and shady copse they wheel,
Still leftward Sawney, to the right Macneil.
Nor had they long re-measured back the grove,
When from the branch of some oak tree above,
Was heard behind them that dark midnight fowl,
Which the rude shepherds have surnamed an owl,
Whose shrill-toned voice, and loud-resounding screech,
Our breathless Hec mistook for Sawney's speech.
Ah! they have slain him, said the trembling swain,
And while they stab him, he exclaims in pain.
How can I help him, though I hear that shrill
Loud voice of his, exclaim Macneil! Macneil!
Macneil, indeed! Ah! what can one man do
Against so numerous and so fierce a foe?
  Thus Hector reason'd, but comprest his voice,
And join'd the camp in Brunswick without noise.
Now of the adventure tells the hapless fate,
How they, fierce foes, in ambuscade had met,
And how poor Sawney was kidnapp'd and slain,
And when they stab'd him how he scream'd in pain.
  Scarce had he finished when, to ease their fears,
Returning Sawney yet untouch'd appears.
The soldier-croud, in mighty wonder lost,
With gaping mouths, conceive 'tis Sawney's ghost,
And bless themselves, and bid immortals save
Unhappy men, and take him to his grave:
But all in vain, for Sawney will not give
The notion up, but that he is alive.
  The task were long in lofty strains to tell
What both these camps in that sad night befel,
Those troops pent up in Brunswick's vale-built town,
And those encamp'd upon the distant down;
What strange conjectures through the village roll'd
Of all those things which the pale scouts had told;

How some still doubted if his skill was such,
That Washington could counterfeit the Scotch,
And teach his men in Caledonian tone,
To accost their sentry, and pass for their own.
Some thought it must be in a kind of dream,
That Hec had heard, or thought he heard the scream
Of Sawney stab'd by some sharp bayonet,
Or rudely scor'd upon the hapless pate.
Nor less Cornwallis and his comrade Scot,
Revolv'd the adventure in their troubled thought;
They saw two men, and did their speech direct
To them quite plain in Scottish dialect;
Had these been British they had surely staid,
And not from them like ragamuffins fled.
But, ah! said they, it is as sun-beam clear,
That these proud rebels are already here.
Thus talk'd the chiefs, while the dark hours of night,
Rolled o'er their heads, and screened them from the light.

THE FOWLER—A SONG.

Altered from a German air, in the opera of "Dizauberlote."

A Careless whistling lad am I,
On sky-lark wings my moments fly;
There's not a *Fowler* more renown'd
In all the world—for ten miles round!
Ah! who like me can spread the net?
Or tune the merry flageolet?
Then why—O why should I repine,
Since all the roving birds are mine?

The thrush and linnet in the vale,
The sweet sequester'd nightingale,
The bulfinch, wren, and wood-lark, all
Obey my summons when I call:
O! could I form some cunning snare
To catch the coy, coquetting fair,
In *Cupid's* filmy web so fine,
The pretty girls should all be mine!

When all were mine—among the rest,
I'd choose the Lass I lik'd the best;
And should my charming mate be kind;
And smile, and kiss me to my mind,
With her I'd tie the nuptial knot,
Make *Hymen's* cage of my poor cot,
And love away this fleeting life,
Like Robin Redbreast and his wife!

Register and Gazette.

[*We are happy in having it in our power to record the following correspondence between his Britanic majesty's minister plenipotentiary and the Secretary of state, of the U. S. preparatory to an adjustment of the differences which have so long subsisted between the two countries.*]

MR. ERSKINE TO MR. SMITH.

SIR, *Washington, 17th April*, 1809.

I HAVE the honor to inform you, that I have received his majesty's commands to represent to the government of the U. States, that his majesty is animated by the most sincere desire for an adjustment of the differences, which have unhappily so long prevailed between the two countries, the recapitulation of which might have a tendency to impede, if not prevent an amicable understanding.

It having been represented to his majesty's government, that the congress of the U. States, in their proceedings at the opening of the last session, had evinced an intention of passing certain laws, which would place the relations of G. Britain with the U. States upon an equal footing, in all respects, with the other belligerent powers, I have accordingly received his majesty's commands, in the event of such laws taking place, to offer, on the part of his majesty, an honorable reparation for the aggression, committed by a British naval officer, in the attack on the United States' frigate Chesapeake.

Considering the act passed by the congress of the U. States on the 1st of March, (usually termed the non-intercourse act) as having produced a state of equality, in the relations of the two belligerent powers, with respect to the U. States, I have to submit, conformably to instructions, for the consideration of the American government, such terms of satisfaction and reparation, as his majesty is induced to believe, will be accepted, in the same spirit of conciliation, with which they are proposed.

In addition to the prompt disavowal made by his majesty, on being apprised of the unauthorised act, committed by his naval officer, whose recall, as a mark of the king's displeasure, from an highly important and honorable command, immediately ensued, his majesty is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.

I have the honor to be, with sentiments of the highest respect and consideration, Sir, Your most obed't humble serv't

D. M. ERSKINE.

The Hon. Robert Smith, Esq.
Secretary of State, &c. }

Department of State, April 17, 1809.

SIR,

I HAVE laid before the President your note, in which you have, in the name and by the order of his Britanic majesty declared that his Britanic majesty is desirous of making an honorable reparation for the agression committed by a British naval officer in the attack on the United States frigate the Chesapeake; that, in addition to his prompt disavowal of the act, his majesty, as a mark of his displeasure, did immediately recall the offending officer from a highly important and honorable command; and that he is willing to restore the men forcibly taken out of the Chesapeake, and if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.

The government of the United States having, at all times entertained a sincere desire for an adjustment of the differences, which have so long and so unhappily subsisted between the two countries, the president cannot but receive with pleasure, assurances that his Britanic majesty is animated by the same disposition, and that he is ready, in conformity to this disposition, to make atonement for the insult and aggression committed by one of his naval officers in the attack on the United States' frigate the Chesapeake.

As it appears at the same time, that in making this offer, his Britanic majesty derives a motive from the equality, now existing, in the relations of the United States, with the two belligerent powers, the president owes it to the occasion, and to himself, to let it be understood, that this equality is a result incident to a state of things, growing out of distinct considerations.

With this explanation, as requisite as it is frank, I am authorised to inform you that the president accepts the note delivered by you, in the name and by the order of his Britanic majesty, and will consider the same with the engagement contained therein, when fulfilled, as a satisfaction for the insult and injury of which he has complained. But I have it in express charge from the president to state, that while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from his Britanic majesty to his own honor.

I have the honor to be, with the highest respect and consideration,

Sir,

Your most obedient servant,

R. SMITH.

The Hon. David M. Erskine, Esq.

Envoy Extraordinary, and Minister Plenipotentiary of his Britanic Majesty.

MR. ERSKINE TO MR. SMITH.

Washington, April 18th, 1809.

SIR,

I HAVE the honor of informing you, that his majesty, having been persuaded that the honorable reparation which he had caused to be tendered for the unauthorized attack upon the American frigate Chesapeake would be accepted by the government of the United States in the same spirit of conciliation, with which it was proposed, has instructed me to express his satisfaction, should such a happy termination of that affair take place—not only as having removed a painful cause of difference, but as affording a fair prospect of a complete and cordial understanding being re-established between the two countries.

The favourable change in the relations of his majesty with the United States, which had been produced by the act (usually termed the non-intercourse act) passed in the last session of congress, was also anticipated by his majesty, and has encouraged a further hope, that a reconsideration of the existing differences might lead to their satisfactory adjustment.

On these grounds and expectations, I am instructed to communicate to the American government, his majesty's determination of sending to the United States, an Envoy Extraordinary invested with full powers to conclude a treaty on all the points of the relations between the two countries.

In the mean time, with a view to contribute to the attainment of so desireable an object; his majesty would be willing to withdraw his orders in council of January and November 1807, so far as respects the United States, in the persuasion that the president would issue a proclamation for the renewal of the intercourse with Great Britain, and that whatever difference of opinion should arise in the interpretation of the terms of such an agreement will be removed in the proposed negociation.

I have the honor to be with sentiments of the highest consideration and esteem,

Sir,

Your most obedient humble servant,

D. M. ERSKINE.

Hon. Robert Smith, &c. &c. &c.

.....

MR. SMITH TO MR. ERSKINE.

Department of State, April 18th, 1809.

SIR,

THE note, which I had the honor of receiving from you this day, I lost no time in laying before the president, who, being sincerely desirous of a satisfactory adjustment of the differences

unhappily existing between Great Britain and the United States, has authorised me to assure you, that he will meet with a disposition correspondent with that of his Britanic majesty, the determination of his majesty to send to the United States a special envoy, invested with full powers to conclude a treaty on all the points of the relations between the two countries.

I am further authorised to assure you that in case his Britanic majesty should, in the mean time, withdraw his orders in council of January and November 1807, so far as respects the U. States, the president will not fail to issue a proclamation by virtue of the authority and for the purposes specified in the eleventh section of the statute, commonly called the Non-Intercourse Act.

I have the honor, &c. &c.

(Signed) R. SMITH.

MR. ERSKINE TO MR. SMITH.

Washington, April 19, 1809.

SIR,

IN consequence of the acceptance, by the president, as stated in your letter dated the 18th inst. of the proposals made by me on the part of his majesty, in my letter of the same day, for the renewal of the intercourse between the respective countries, I am authorised to declare that his majesty's orders in council of January and November 1807, will have been withdrawn as respects the United States on the 10th day of June next.

I have the honor to be, with great respect and consideration,

Sir, your most obt. servant.

(Signed) D. M. ERSKINE.

Hon. Robert Smith, &c. &c. &c.

MR. SMITH TO MR. ERSKINE.

Department of State, April 19, 1809.

SIR,

HAVING laid before the president your note of this day, containing an assurance, that his Britanic majesty will, on the 10th day of June next, have withdrawn his orders in council of January and November 1807, so far as respects the United States, I have the honor of informing you that the president will accordingly, and in pursuance of the eleventh section of the statute, commonly called the Non-Intercourse Act, issue a Proclamation, so that the trade of the United States with Great Britain may on the same day be renewed, in the manner provided in the said section.

I have the honor, &c. &c.

(Signed) R. SMITH.

By the PRESIDENT *of the United States of America,*

A Proclamation.

WHEREAS it is provided by the 11th section of the act of congress entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes"—that "in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States," the president is authorised to declare the same by proclamation, after which the trade suspended by the said act, and by an act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto may be renewed with the nation so doing. And whereas the honorable David Montague Erskine, his Britanic majesty's envoy extraordinary and minister plenipotentiary, has by the order and in the name of his sovereign declared to this government that the British orders in council of January and November 1807, will have been withdrawn as respects the United States on the 10th day of June next. Now, therefore, I JAMES MADISON, president of the United States, do hereby proclaim that the orders in council aforesaid will have been withdrawn on the said 10th day of June next; after which day the trade of the United States with Great Britain, as suspended by the act of congress above mentioned and an act laying an embargo on all ships and vessels in the ports and harbors of the United States and the several acts supplementary thereto, may be renewed.

GIVEN under my hand and the seal of the United States, at Washington, the nineteenth day of April, in the year of our Lord, one thousand eight hundred and nine, and of the independence of the United States, the thirty-third.

JAMES MADISON.

By the President,

ROBERT SMITH,
Secretary of State.

TITLES OF ACTS,

Passed by the Legislature of Pennsylvania, at their session, ending April 4, 1809.

(Concluded from page 340.)

58. An act directing the mode of keeping in repair the Long Narrows road, in the county of Mifflin.

59. An act to authorise the governor to appoint commissioners, for the purpose of laying out a road, beginning at or near Kelso's ferry, in Cumberland county, through York and Adams counties, to the Maryland line, in a direction to the city of Washington.

60. An act granting an annuity to John Boyls, a sergeant in the late revolutionary war.

61. An act for the better establishing and confirming the boundaries, of the town and out-lots of the town of Indiana.

62. An act granting to Samuel M' Neill an annuity for life.

63. An act abolishing the offices of receiver-general and master of the rolls, and transferring the duties therein performed to other offices, and for other purposes.

64. An act to afford immediate relief to John Huton, a soldier in the revolutionary war and to grant him an annuity.

65. An act supplementary to an act, entitled, 'an act to regulate arbitrations, and proceedings in courts of justice.'

66. An act making perpetual an act, entitled, 'an act to regulate the payment of costs on indictments, and the second section of an act, entitled, 'an act explanatory of the act, entitled, 'an act to regulate the payment of costs on indictments.'

67. An act enabling certain trustees to sell and convey the real estate of Henry Strater, a lunatic.

68. An act concerning sentences of Foreign Prize-courts,

69. An act to confirm the title of Samuel Work, to certain lands therein mentioned.

70. An act for the benefit of the devisees of John Hart, deceased.

71. A supplement to an act, entitled, 'an act for the relief of the heirs of Frederick Vernon, deceased.'

72. An act to empower John Knauss and John Lerch, administrators of Paul Knauss, deceased, to convey two tracts of land, in the county of Northampton.

73. An act authorising the secretary of this commonwealth to issue a patent to George Baker, for a lot of ground therein mentioned.

74. An act to enable the administrators of James Carnahan, deceased, to convey a certain tract of land to the purchaser thereof.

75. An act for the better employment, relief, and support of the poor within the township of Germantown, in the county of Philadelphia.

76. A further supplement to the act, entitled," an act for laying out, making, and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads.

77. An act to authorise and direct the governor to incorporate a company, for erecting a permanent bridge over the river Schuylkill, at or near Pawling's ford, in the counties of Montgomery and Chester.

78. An act concerning contempts of court.

79. An act to repeal an act, entitled, " an act establishing an auction-store in the borough of Lancaster.'

80. An act authorising William Lane and Thomas Davis to build a bridge, across the raystown branch of Juniata, near the mouth of Yellowcreek.

81. An act granting to certain patentees, in Luzerne county, further time to record their patents.

82. A supplement to an act, entitled," an act to authorise the governor to incorporate a company, for making an artificial road from the Philadelphia and Lancaster turnpike road, in Lancaster county, at or near the gap tavern, to the line of the state of Delaware.'

83. An act to encourage and facilitate the completion of the Frankford and Bristol, and the Bustleton and Smithfield, turnpike roads.

84. An act for the relief of William M' Kibben and George Long.

85. An act to authorise the governor to incorporate a company, for erecting a permanent bridge over the river Susquehanna, at or near Harrisburg, in the county of Dauphin.

86. An act granting an annuity to Robert Varnor.

87. An act for the relief of James Seals and Samuel Israel.

88. A supplement to the act, entitled, "an act to provide for the erection of a house, for the employment and support of the poor, in the county of Cumberland."

89. An act for the relief of John Vanlear.

90. An act granting an annuity to John Craig.

91. An act to repeal so much of an act passed April 4, 1807, as directs the township assessors to select and return jurors; and also, allowing peremptory challenges, in certain cases.

92. An act to dissolve the marriage of Peter Rickenbach and Ann, his wife.

93. An act empowering certain trustees, therein named, to convey three tracts of land, situate in Williams township, in the county of Northampton, and to appropriate the monies arising from the sale thereof, for the purposes therein mentioned.

94. An act to extend the powers of the Gettysburg and Peters-

burg turnpike company, and to enable the governor to incorporate a company, to make an artificial road, from a point near Gallaher's sawmill, to the borough of Chambersburg.

95. An act authorising the governor to subscribe for 100 shares of stock, in the Downingstown, Ephrata, and Harrisburg turnpike road.

96. An act granting an annuity to Samuel Brady.

97. An act to afford immediate relief to Michael Lynch, a soldier in the revolutionary war, and to grant him an annuity.

98. An act to authorise Samuel Ray, junior, to erect a toll-bridge over French-creek, opposite Buck-street, in the town of Franklin.

99. An act establishing, in part, and authorising commissioners to lay out, a state road, from Pittsburg, through Beaver-town, to the western boundary of the state.

100. An act to establish an academy in the borongh of Harrisburg, in the county of Dauphin.

101. An act to validate and confirm the proceedings of certain justices of the peace, in the counties of Beaver, Butler, Crawford, Erie, Mercer, Venango, and Warren, in cases therein mentioned.

102. An act to authorise the governor to appoint commissioners, for the purpose of laying out a state road, from the southern turnpike road, in the county of Somerset or Westmoreland, to intersect the United States' turnpike road from Cumberland to Wheelen, in the county of Fayette; and to appoint commissioners, for the purpose of laying out a state road, from the town of Indiana, to intersect the state road leading from Milesburg to Le Bœuff, between the mouth of Anderson's creek, in Clearfield county, and Milesburg, in centre county.

103. A supplement to, and repealing part of, an act, entitled, an act to encourage the patenting of lands, and for other purposes.

104. An act relative to certain proceedings, in the case of the prize-sloop Active.

105. An act further to extend the jurisdiction of the aldermen and justices of the peace, of this commonwealth.

106. An act to provide for the education of the poor, gratis.

107. An act to alter and amend the act, entitled, "an act directing the mode of selling unseated lands, for taxes.

108. A further supplement to an act, entitled, " an act for the regulation of the militia of the commonwealth of Pennsylvania.

109. An act granting an annuity to George Blakely.

110. An act granting an annuity to Hugh Quay.

111. An act to continue in force an act, entitled, " an act to provide for the payment of certain balances of purchase-money, yet due, and remaining charged, on lands which have been patented, on warrants which have been obtained since surveys were originally made, in pursuance of old proprietary warrants and locations, and for other purposes;" and an act, entitled, "an act regulating and continuing the distribution of donation-lands."

112. An act changing the terms of holding the courts in the circuits of the sixth district; it being supplementary to an act entitled, "an act to alter the judiciary system of this commonwealth."

113. An act supplementary to an act, entitled, "an act to alter and amend the several laws of this commonwealth, relative to domestic attachments."

114. An act for the further establishment and regulation of election-districts.

115. An act authorising a review of the state road, leading from Beavertown, in the county of Beaver, to Waterford, in the county of Erie.

116. An act making appropriations to defray certain expenses of government, and for other purposes."

(And ten resolutions.)

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[*The long litigated and important case of the Sloop Active, having been brought to a close, we present our readers with the following report of the material facts and records in that case.*]

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IN the night of the 6th of September, 1778, Gideon Olmstead, being a prisoner on board the armed sloop *Active*, bound to NewYork, on the passage, prevailed on three of the seamen to assist him in endeavouring to take the said sloop from the captain and the rest of the crew, and to carry her into an American port. In pursuance of this bold and hazardous design, they secured the captain and crew under deck, and contemplated runing the sloop into Egg-Harbour.

On the 8th of September they were boarded by the brigantine *Convention*, fitted out by the state of Pennsylvania, commanded by captain Thomas Houston, and in a very short time after the sloop *Active* was thus seized by the Convention, the privateer sloop *Le Gerard* of Philadelphia, commanded by captain James Josiah, hove in sight. The prize was brought into the port of Philadelphia, and was libelled in the court of admiralty of the state on the 14th of September. Captain Thomas Houston for the state, himself and crew, claimed *one half*, captain James Josiah, commander of the privateer sloop Le Gerard; for himself, crew and owners, as consort of the Convention, and as in sight at the time of the capture, claimed *one fourth*, allowing *one fourth*, for the four persons who first rose upon the crew of the sloop Active. Gideon Olmstead and his companions, claimed the whole, alledging that they had risen on the captain and crew—had confined them in the cabin—had assumed the sole command and direction of the sloop, and were proceeding towards Egg-Harbour with the captain and crew, *subjected* and *reduced*, when the said sloop was seized by the brigantine *Convention*.

On the 25th November, 1775, Congress had resolved, "That it be *recommended* to the several legislatures in the United Colonies, as soon as possible, to erect courts of justice, or give jurisdiction to the courts now in being, for the purpose of better determining concerning the captures to be made as aforesaid, and to provide that *all trials, in such case, be had by a jury, under such qualifications as to the respective legislatures shall seem expedient.* That *in all cases* an appeal shall be allowed to Congress, or such person or persons as they shall appoint for the trial of appeals," &c.

By an act of Assembly of Pennsylvania, passed September 8th, 1778, a court of admiralty was established. The trial was to be by jury, who were to be sworn or affirmed, "to return and give a true verdict according to evidence; and the finding of the said jury, *shall establish the fact, without re-examination or appeal.*

"In all causes of captures, an appeal from the decree of the judge of admiralty of this state, shall be allowed to the Continental Congress, or such person or persons, as they may from time to time appoint for hearing and trying appeals," &c.

On the 4th of November, 1778, the cause came on to be tried before a struck jury, who, after hearing all the exhibits, and the arguments of the respective advocates thereon, and taken time to consider thereof, on the following day returned a general verdict, finding "one fourth part of the nett proceeds of the sloop Active and her cargo to the first claimants (Gideon Olmstead and others) and three fourth parts of the said sloop and her cargo to the libellant (captain Houston) and the second claimant (captain Josiah) as per agreement between them." The judge made his decree accordingly, and the same day Gideon Olmstead and the three seamen appealed from the verdict, decree and sentence, to the committee of appeals established by congress.

The committee of appeals set aside the verdict of the jury, reversed the sentence of the judge of the admiralty, and decreed the whole proceeds of the prize to the appellants, with costs. The judge of the admiralty refused to carry this decree into effect, and on the 28th of December, further decreed, "that although the court of appeals have full power to alter or set aside the decree of this court, yet that the finding of the jury in the cause, does establish the facts in the cause without re-examination or appeal, and therefore the verdict of the jury still standing and being in full force, the court cannot issue any process, or proceed in any manner whatsoever contradictory to the finding of the said jury:" and he ordered the money to be brought into court, there to remain ready to abide the further order of the court therein.

Here, then, began the great contest for jurisdiction. On the 4th of January 1779, the committee of appeals issued their injunction to the marshal to detain the money in his custody, to

wait the further orders of the court. The marshal, notwithstanding, paid the money to the judge of the admiralty, in obedience to the decree of that court. The committee of appeals would proceed no further, but ordered to be entered on record, "that as the judge and marshal of the court of admiralty, for the state of Pennsylvania, had absolutely and respectively refused obedience to the decree and writ regularly made in and issued from this court, to which they and each of them were and was bound to pay obedience; the court being unwilling to enter into any proceedings for contempt, lest consequences might ensue at *this juncture, dangerous to the public peace of the United States*, will not proceed further in this affair, nor hear any appeal until the authority of this court shall be so settled, as to give full efficacy to their decrees and process;" and they ordered a state of the proceedings to be prepared, that they might lay it before congress. On the 21st of January, 1779, a committee was appointed by congress, to examine into the principles of the powers of the committee of appeals, and the causes of the refusal of the judge of the court of admiralty in the state of Pennsylvania, to execute their decree; which committee, on the 6th of March following, reported specially,—the finding of the jury, and decree thereon, the reversal thereof—the reasons of the judge, and act of assembly of Pennsylvania, as they are before stated. Whereupon, it was resolved, "That congress, or such person or persons as they may appoint to hear and determine appeals from the courts of admiralty, have necessarily the power to examine as well into decisions on facts, as decisions on the law, and to decree finally thereon; and that no finding of a jury in any court of admiralty, or court for determining the legality of captures on the high seas, can, or ought to destroy the right of appeal, and the re-examination of the facts reserved to congress."

"That no act of any one state can, or ought to destroy the right of appeal to congress, in the sense above declared."

"That congress is, by these United States, invested with the sovereign supreme power of war and of peace."

"That the power of executing the law of nations, is essential to the sovereign supreme power of war and peace."

"That the legality of all captures on the high seas must be determined by the law of nations."

"That the authority, ultimately and finally, to decide on all matters and questions touching the law of nations, does reside and is vested in the sovereign supreme power of war and peace."

"That a control by appeal is necessary, in order to compel a just and uniform execution of the law of nations."

"That the said control must extend as well over the decisions of juries as judges, in courts for determining the legality of captures on the sea; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations, in all

cases of captures; and might at any time exercise the same in such manner as to prevent a possibility of being controlled—a construction which involves many inconveniences and absurdities, destroys an essential part of the power of war and peace, intrusted to congress, and would disable the congress of the United States from giving satisfaction to foreign nations, complaining of a violation of neutralities, of treaties, or other breaches of the law of nations, and would enable a jury in any one state to involve the United States in hostilities: a construction, which for these and many other reasons, is inadmissible."

"That this power of cotrolling by appeal, the several admiralty jurisdictions of the states has hitherto been exercised by congress, by the medium of a committee of their own members."

"Resolved, that the committee, before whom was determined the appeal from the court of admiralty, for the state of Pennsylvania, in the case of the sloop Active, was duly constituted and and authorised to determine the same."

"Resolved, that the said committee had competent jurisdiction to make thereon a final decree, and therefore their decree ought to be carried into execution."

The foregoing resolutions were agreed to in congress by the vote of all the members present except the delegation from Pennsylvania and one member from New-Jersey. The legislature of Pennsylvania however, still unwilling to submit to the decision on the 10th of March 1779, passed the following resolutions.

"Resolved, 1st. That the power of establishing courts for receiving and determining finally, appeals in all cases of captures, is reserved in congress by the articles of confederation; and as the state of Pennsylvania has acceded to these articles, this house esteem it their duty to adopt such regulations, consistent with the principles of the confederation, as congress may judge necessary for the due exercise of the said power.

"Resolved, 2d. That by our act of this commonwealth for establishing a court of admiralty it is declared and enacted, that the finding of the jury shall establish the facts without re-examination or appeal, and that the act is *not repugnant to, but consistent with the resolutions of congress of the 25th of November* 1775.

"Resolved, 3d. That the proceedings in the court of admiralty in the case of the sloop Active, were founded upon the aforesaid act of assembly, which, together with the said resolve, form the true ground whereupon the decision of the contested point should be made without involving a consideration of the necessity or propriety of future alterations."

Committees of conferrence on the part of congress and of Pennsylvania were appointed but, if they met at all, they came to no agreement; and on the 21st. of April, 1779, the supreme executive council, of Pennsylvania; resolved that David Rittenhouse,

the treasurer be directed to find sufficient security, to be approved of by the judge of the admiralty, for the share, adjudged to the state, of the prize sloop Active, taken by the brigantine Convention, and the Gerard privateer, and take up the money which will exceed eleven thousand pounds, for the use of the state; one-half of the sum allotted to the convention, coming to the state. On the 1st. of May, following, George Ross, the judge of the court of Admiralty, paid the money over to David Rittenhouse, state treasurer, taking a bond of indemnity to save him, the said George Ross, his executors, &c. harmless.

The original continental certificates, thus received by David Rittenhouse, as the proceeds of the sloop Active, were afterwards funded in his own name for the benefit of those who might eventually appear to be entitled to them, and interest drawn by him. They never passed with the other monies of the state to his successor in office. But at the bottom of a list of the certificates, was a memorandum made in his hand writing, as follows:

"The above certificates will be the property of the state of Pennsylvania, when the state releases me from the bond I gave in 1778, to indemnify George Ross, Esq. judge of the admiralty, for paying the fifty original certificates into the treasury, as the state's share of the prize."

In this situation the subject slumbered for several years.—Olmstead, however, did not suffer it to sleep, as appears from his repeated applications to the legislature, and suit brought against the executors of George Ross, in the common pleas of Lancaster county. The supreme court of the United States, in the case of Penhallow and Doane, having unanimously affirmed the authority of the old court of appeals, it was revived with new vigour. On the 26th of February 1801, the legislature passed a law, directing the treasurer of the commonwealth, to obtain a transfer of the cirtificates, then in the hands, of the representatives of the late David Rittenhouse, and to execute a bond of indemnity to the said representatives. Some time in the fall of this year, Jacob Carpenter, then State treasurer, made a demand in obedience to the said law, but the executors of Mr. Rittenhouse refused to deliver the certificates, being advised that they could not do it with safety.

On the 14th January, 1803, Richard Peters, judge of the district court of the United States, for the district of Pennsylvania, decreed that the certificates and interest should be paid to Olmstead, &c, and on the 2d of April following, the legislature directed the same to be paid into the state treasury and in default thereof the attorney general was directed to bring suit therefor. The 2d section of that act, directs the governor to protect the just rights of the state in the premises, by any means and measures that he may deem necessary; and also to protect the persons and properties of the said E. Sergeant and E. Waters, from any process issued out of any federal court, &c.

In pursuance of this law the certificates and interest money were paid into the state treasury and a suggestion thereon filed in the district court. The judge of the district court having delayed to issue process on his decree a mandamus from the supreme court was received by him on the 18th of March 1808 to which he made a return July 18th 1808 stating the reason of his delay. At February term 1809, the supreme court issued a peremptory mandamus directing him to inforce his decree. Notice of this proceeding having been given to the governor he on the 27th of February issued his orders to Gen. M. Bright, commander of the 1st Brigade of the 1st division Pennsylvania militia, requiring him immediately to have in readiness such a portion of the militia as should be sufficient and to employ them to protect and defend the persons and property of the said Elizabeth Sergeant and Esther Waters, from and against any process founded on the decree of the said Richard Peters; and in virtue of which, any officer under the direction of any court of the United States, may attempt to attack either the persons or property of the said Elizabeth Sergeant and Esther Waters, &c. The governor, on the same day, informed the legislature, that he had issued this order. On the 3d of April, the legislature passed certain resolutions, among other things, requesting our senators and representatives, in congress, to use their endeavours that such arrangements may be made between the government of the Union and of this state, as will put an end to existing difficulties, and authorizing the governor to correspond with the president on the subject. The next day, they also passed a law placing 18000 dollars in the hands of the governor, to be applied at his discretion in carrying into execution the said resolutions and the act of 1803. In the meanwhile, the marshal of the U. S. in attempting to serve the process of the court, was resisted by Gen. Bright and his men.—The marshal summoned a *posse* to assist him in executing the process; and appearances now became awful. But previous to the meeting of the *posse*, the process, by some means or other, was served upon Mrs. Sergeant. A writ of habeas corpus was then applied for and issued to the marshal; and, on the 19th of April, the chief justice of the state delivered his opinion at considerable length, but concluding that the U. S. courts had jurisdiction in the cause and that Mrs. Sergeant must remain in the custody of the marshal. The money was soon afterwards paid to Gideon Olmstead. But Gen. Bright and his men were indicted and afterwards convicted for resisting the marshal. On this trial judge Washington gave a very able charge to the jury, in which he took a view of the whole case from the capture of the sloop Active; and which we shall endeavour to lay before our readers, at full length, in our next number.